

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

IRFAN GOKCE,

Plaintiff,

v.

A. NEIL CLARK *et al.*,

Defendants,

Case No. C08-5292FDB/JKA

REPORT AND
RECOMMENDATION

**NOTED FOR:
JULY 25, 2008**

This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. Plaintiff in this action did not pay a filing fee. Plaintiff has not filed an application for *in forma pauperis* status. On May 13, 2008, the court sent Mr. Gokee a letter outlining the defects in his filings and giving him until June 13, 2008, to cure those defects (Dkt. # 2). While plaintiff has filed a motion asking for immediate release from custody, (Dkt # 3), he has not filed to proceed *in forma pauperis*.

As the time for filing an application has expired, the court recommends this action be **DISMISSED WITHOUT PREJUDICE** for failure to prosecute. Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal rules of Civil Procedure, the parties shall have ten (10) days from service of this Report to file written objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those

1 objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time limit
2 imposed by Rule 72(b), the clerk is directed to set the matter for consideration on **JULY 25, 2008**, as
3 noted in the caption.

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5 DATED this 24 day of June, 2008.

6 /s/ J. Kelley Arnold
7 J. Kelley Arnold
8 United States Magistrate Judge
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